

Docket No. 1303.44954X00
Appl. No. 10/529,369
January 8, 2009

REMARKS

Applicants are amending their claims by cancelling, without prejudice or disclaimer, claims 1-3, 8-14, 16-19 and 21-31, all of the claims in the application rejected in the Office Action mailed October 8, 2008. This cancellation of claims is, in particular, without prejudice to the filing of a Continuation/Divisional application(s) directed to the subject matter thereof.

Entry of the present amendments is clearly appropriate, notwithstanding the Finality of the Office Action mailed October 8, 2008, as the present amendments only cancel claims previously pending in the application. See 37 CFR 1.116(b)(1). Entry of the present amendments is especially appropriate herein as the present amendments cancel all previously rejected claims, leaving only non-rejected claims in the application.

The objection by the Examiner to claims 4-7, on page 8 of the Office Action mailed October 8, 2008, is noted. The Examiner objects to claims 4-7 "as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form". However, it is respectfully submitted that claim 4 is in independent form, with claims 5-7 dependent thereon. Accordingly, it is respectfully submitted that claims 4-7 should be presently allowed.

The Examiner has previously allowed original claims 4 and 5, and claim 6, in the Office Action mailed August 7, 2007, with these claims 4-6 later being objected to, and the basis for objecting to claims 4-7 in the Office Action mailed October 8, 2008, claim 4 being an independent claim, is not seen.

Rejections on prior art and double-patenting grounds, on pages 2-4 of the Office Action mailed October 8, 2008, are noted. These rejections are moot in the

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present application, in light of cancelling of all rejected claims by the present amendments.

In view of the foregoing comments and amendments, entry of the present amendments, reconsideration and allowance of all claims remaining in the above-identified application, and passing of the above-identified application to issue in due course, are respectfully requested.

To the extent necessary, Applicants hereby petition for an extension of time under 37 CFR 1.136. Kindly charge any shortage of fees due in connection with the filing of this paper, including any extension of time fees, to the Deposit Account of Antonelli, Terry, Stout & Kraus, LLP, Account No. 01-2135 (case 1303.44954X00), and please credit any overpayments to such Deposit Account.

Respectfully submitted,

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